

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SUNLINK CORPORATION,

Plaintiff,

v.

AMERICAN CAPITAL ENERGY, INC.

Defendant.

Case No.: 1:15-cv-13606-ADB

DECLARATION OF DAVID G. THOMAS

I, David G. Thomas, hereby declare:

1. I am a Shareholder at Greenberg Traurig, P.A. and act as counsel to Plaintiff SunLink Corporation (“**SunLink**”) in this litigation. I am filing this Declaration to authenticate the exhibits referred to in SunLink Corporation’s Opposition to Defendant American Capital Energy, Inc.’s Motion for Finding that Application to Vacate Filed and Served is Responsive to Petition to Confirm Arbitration Award as Defined in 9 USC § 12. Terms defined in SunLink’s opposition will not be further defined herein unless otherwise noted. The statements contained herein are based on my personal knowledge or business records of Greenberg Traurig, LLP.
2. Attached as **Exhibit 1** is a genuine copy of a Sales Contract.
3. Attached as **Exhibit 2** is a genuine copy of a Payment Bond.
4. Attached as **Exhibit 3** is a genuine copy of the Partial Final Award, dated August 18, 2015.

5. Attached as **Exhibit 4** is a genuine copy of SunLink's Demand for Arbitration dated, October 20, 2014.
6. Attached as **Exhibit 5** is a genuine copy of the Barnstable County Complaint and the Dukes County Complaint, dated October 20, 2014 (without exhibits).
7. Attached as **Exhibit 6** is a genuine copy of Final Award, dated October 6, 2015.
8. Attached as **Exhibit 7** is a genuine copy of ACE's Application to Vacate Arbitration Award, dated November 5, 2015 (without exhibits).
9. Attached as **Exhibit 8** is a genuine copy of SunLink's Emergency Motion to Strike ACE's Application to Vacate Arbitration Award, dated November 12, 2015 (without related affidavit and exhibits).
10. Attached as **Exhibit 9** is a genuine copy of ACE's Opposition to SunLink's Motion to Strike, dated November 23, 2015.
11. Attached as **Exhibit 10** is a genuine copy of ACE's Status Report dated, October 15, 2015.
12. Attached as **Exhibit 11** is a genuine copy of the transcript of the hearing that took place in the Barnstable Superior Court on January 26, 2016.
13. Attached as **Exhibit 12** is a genuine copy of Barnstable Superior Court's Order allowing SunLink's Motion to Strike, dated February 18, 2016.

14. Attached as **Exhibit 13** is a genuine copy of ACE's Emergency Motion to Clarify Ruling, dated February 25, 2016.

15. Attached as **Exhibit 14** is a genuine copy of SunLink's Opposition to ACE's Emergency Motion to Clarify Ruling, dated February 26, 2016.

16. Attached as **Exhibit 15** is a genuine copy of the Honorable Gary A. Nickerson's endorsement to correct a scrivener's error on Exhibit 12, dated March 3, 2016.

17. Attached as **Exhibit 16** is a genuine copy of *Katz, Nannis & Solomon PC v. Levine*, SKC 11902 (March 9, 2016).

18. Attached as **Exhibit 17** is a genuine copy of SunLink's Opposition to ACE's Application to Vacate Arbitration Award (with attached exhibits), dated November 20, 2015.

I declare (under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed in Boston, Massachusetts on April 1, 2016.



David G. Thomas